

**FILED**

MARCH 2, 1984

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS  
DOCKET NO. H-83-5265

In the Matter of the Suspension	)	
or Revocation of the License of	)	
EVERETTE E. NELSON, D.C.	)	Administrative Action
License No. 1349	)	FINAL DECISION AND ORDER
To Practice Chiropractic in the	)	
State of New Jersey	)	

This matter was opened to the Board by Administrative Complaint filed December 14, 1983 by the Attorney General of the State of New Jersey, by Michael S. Karpoff, Deputy Attorney General, alleging that Everette E. Nelson, D.C. failed to make refunds to patients or provide the Board with proof of these refunds as was required by an Order of the Board filed April 13, 1981 following a contested case. By Order to Show Cause signed by Board President Albano and filed December 14, 1983, Dr. Nelson was directed to respond to the Administrative Complaint and explain why he failed to make restitution to his patients. By his attorney Grace T. Meyer, Esq., respondent submitted a written Answer and affidavits, but on February 8, 1984, the date of the hearing, the Board received information by telephone that there would be no appearance by respondent or his attorney. The hearing proceeded on that date, with Joan D. Gelber, Deputy Attorney General, presenting the case for the Attorney General.

In an Answer to the complaint, filed January 10, 1984 and a supplemental affidavit of January 27, 1984, respondent admitted his failure to make refunds of \$45 each to approximately 131 of 148 patients on a June 10, 1980 list of patients owed refunds (attached as Appendix A of this Order). However, he denied that his failure was the result of any willful immoral conduct. Instead he asserted financial hardship due to the previous suspension and bad publicity. He also submitted copies of returned envelopes indicating that refunds were undeliverable to forty-one patients in April 1983 at the addresses they had given him in 1980. Respondent stated that he "at all times intended to comply" with the Order of the Board but financially could not.

After deliberation the Board unanimously found that both Counts of the Administrative Complaint of December 14, 1983 were proven in that respondent, with very few exceptions, has failed to make patient refunds as required or to submit proof of said refunds. The Board found respondent's defense of financial hardship and outdated addresses unpersuasive, since he had ample time and opportunity to secure the funds or to timely petition the Board for relief, and to have timely notified his patients to keep him apprised of any new addresses. Instead of taking these responsible steps, respondent let matters slide until challenged by the Board. Respondent must remember that it was his misconduct, not any fault of the patients, which led to the original order of restitution. His failure to comply with the Board's Order, even after an appeal had been dismissed by the Appellate Division of Superior Court, bespeaks a disregard for the statutes and rules governing the practice

of chiropractic, professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and a lack of good moral character within the meaning of N.J.S.A. 45:9-6.

In deliberating on the appropriate sanction in this matter, the Board particularly wished to encourage Dr. Nelson to make restitution to patients, as well as to penalize him for his previous noncompliance. Therefore, it is on this 23rd day of February, 1984 hereby Ordered that:

1. Respondent Everette E. Nelson, D.C., shall within ten days of receipt of this Order pay to the Board a civil penalty of \$500.00 by certified check payable to the State Board of Medical Examiners.

2. Respondent shall continue to attempt to make restitution of \$45.00 per patient to the former patients whose names are listed at Appendix A of this Order, and shall submit to the Board cancelled checks as proof of restitution.

3. For each and every patient to whom \$45.00 is not restored by June 15, 1984, respondent shall pay to the Board a penalty of \$95.00 per unpaid patient in lieu of restitution, said penalty to be paid by certified check made out to the State Board of Medical Examiners, by July 1, 1984.

4. Should respondent fail to comply with this Order in all respects by July 1, 1984, his license to practice chiropractic in the State of New Jersey shall be suspended for one year, commencing July 1, 1984.

NEW JERSEY STATE BOARD OF MEDICAL  
EXAMINERS

By Joseph A. Riggs, M.D.  
Joseph A. Riggs, M.D., President  
Pro Tempore

EVERETTE E. NELSON, D.C., P.A.  
CHIROPRACTIC SCIENCE  
54 JEFFERSON AVENUE  
WESTWOOD, NEW JERSEY 07675  
TELEPHONE 201 - 664-6324

June 10, 1980

PAUL ZINGLER	255 W. 34th St. N.Y.C.N.Y.
BARBARA ZINGLER	SAME
CHARLES ZDEBSKY	75 Tracey Lane East Islip, L.I.
SANDRA WEINBERGER	53 Woodfield Rd. Washt.Twp.
JOEL WEINBERGER	SAME
ROBERT WAINWRIGHT	12 Longve Ave. New Rochelle, N.Y.
JOE VONRONNE	50 Gardner Terr Delmar, N.Y.
Grace Vonronne	Same
Leone Anne Ververs	169 Maryland Ave. Paterson, N.J.
Connie Van Lenten	134 10th Ave. Hawthorne, N.J.
Jean Ulrich.	307 Lakeside Ave. Prompton Lakes, N.Y.
Rose Tuzzolo	27 Harding Ave Delmar N.Y.
Norma Tiensiuu	112 Tilt St. Haldeon, N.J.
Thomas Elmyra	68 Magnolia Ave. Hillsdale, N.J.
Joe Strauch	85 Sheffield Rd. Wayne, N.J.
Paul Stapelton	220 Wallhery Ave. Ridgewood, N.J.
Micheal Steca	96 Hillside Ave. Emerson, N.J. 07630
Margaret Steinbrecher	17 Baint St. Rockaway N.J.
Peter Sharrer	72 Fairmount Rd. Ridgewood N.J.
Louise Sharrer	Same
Walter & Sandra Steinbrecher	16 So.St. Dover, N.J.
Edward Schuermann	30 Sleepy Hollow Dr. Hohokus, N.J.
Thomas Scannella	160 Brook Ave. Passaic, N.J.
Mitch Santlofer	37 E. Amberly Dr. Englishtown, N.J.
Essie Rosner	2-23-17th St. Fairlawn, N.J.
Pat Reynolds	51 Vivan Ave. Emerson, N.J.
Loyland Reynolds	
Diane Perodi	190 Lawrence Dr. Paramus, N.J. 07652
Dieter Ierske	

EXHIBIT C.

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Babette Petersen	19 Summit Ave. Westwood N.J.
- Steven Picheny	430 E.86th St. NYC N.Y. <i>RET</i>
Helga Perske	503 Helena Ave. Wyckoff N.J.
Antoinette Bennet	
Harry Bedurftig	
- Lad Bell	369 Rockledge Pl. Teaneck, N.J. <i>RET</i>
Marty Bochese	65 Norwood St. Haledon, N.J.
Paul Brawnstein	323 Kenneth Ave. Fairlawn, N.J.
- Manonc Barker	30 Fourth St. Emerson, N.J. <i>RET</i>
Emma Brawnstein	323 Kenneth Ave. Fairlawn, N.J.
- Muriel Cerny	191 Washington Ave. Little Falls, N.J. <i>RET</i>
- Mary Cerfolio	323 Tnancheskr Ave. N.Halden, N.J. <i>RET</i>
Annetta Cerfolio	203 Burhans Ave. Haledon, N.J.
Christoffel, Walter	
Euthann Curley	76 Kline St. Harrington Pk. N.J.
- Thomas Davanzo	16 Orchard Rd. Demerest, N.J. <i>RET</i>
- Paula Demetrious	63 W. Englewood Ave. Teaneck, N.J. <i>RET</i>
Marie Donatello	55 Del Glenn Ave. Lodi, N.J.
Ann Dunn	425-10th St. Carlstadt, N.J.
Klare Dziurla	33-24 91 St. Jackson Heights, N.Y.
Ruth Feinberg	709 W. 169th St. New York, N.Y.
✓ Matthew Finnicune 75	479 Van Buren St. Ridgewood N.J.
✓ Richard Finnicune 45	Same
Joyce Geils	690 Bruce Drive Paramus, N.J.
Joanne Geils	Same
✓ Mary Ganzuzza 75	114 Loomis St. Eastern Pa.
Jeff Geib	945 B River Rd. New Milford, N.J.
- Dalia Gil	891 Blvd. East. Apt. 8H Weehawken, N.J. <i>RET</i>
Richard Glass	11 Misty Ridge Cr. Kinnelon, N.J.
Helen Geismar	45 Concord St. Englewood N.J.
Rosalind Goldber	15 Green Oval Nanuet, N.Y.

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Peter Graph	122 Jefferson Ave. Emerson, N.J.
Thomas & Marie Hadle	830 Carter Lane Paramus, N.J.
— Pat. Karachun	51 Powder Mill Lane, Oakland, N.J. <i>RET</i>
— Arlene Keiser	26 Inwood Lane Spring Valley, N.Y. <i>RET</i>
— Elenor Kent	600 W. 18th St. Manhattan, N.Y. <i>RET</i>
— Sidney Kennis	12-13 Broadway, Fairlawn, N.J. <i>RET</i>
Hon Kino	319 Mills Place Wyckoff, N.J.
✶ Alan Kino	Same <del><i>RET</i></del>
— Jannie Kools	196 Richard Ct. Pomona N.Y. <i>RET</i>
— Eileen Kunis	82 Concord Ave. Glen Rock, N.J. <i>RET</i>
— Kristian Kunis	Same <i>RET</i>
— Katherine Jones	2NA Driveway, Delmar N.Y. <i>RET</i>
Egon Perske	503 Helena Ave. Wyckoff N.J.
Daisy Perske	93 Booth Ct. Wyckoff, N.J.
Perske, Werner	493 Booth Ct. Wyckoff, N.J.
— Pat Tuzzolo	19 Maple Ave. Slingerlands, N.Y. <i>RET</i>
Betty VanderPlatt	257 Godwin Ave. Wyckoff, N.J.
Rose Vetterlein	713 Tulip Pl. Rivervale, N.J.
Warwick Willis	Englewood N.J.
Sylvia Wattenberg	Glen Rock, N.J.
— Charles Weidenmuller	189 Teaneck Rd. Ridgerfield N.J. <i>RET</i>
Thomas Wheeler	80 Vincent St. Hillsdale, N.J. 07642
— Robert Zlotoff	9 E. Lane Mannhasset Hills, N.Y. <i>RET</i>
Ruth Rausa	122 Jefferson Ave. Emerson, N.J.
— Robert Reaps	439 Bloomfield Ave. Nutley N.J. <i>RET</i>
W.J. Beardon	217 Kinley Pl. Ridgewood, N.J.
Moritz Romero	57 McKinley St. Hackensack, N.J.
Rowland Ella	Colonial Rd.
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Bernice Starr	Clifton N.J.
Mary Taranto	646 Plympton St. New Milford N.J.
Kathleen Taranto	1099 Blvd. New Milford, N.J.
Joe Testori	60 Taylor St. Hillsdale, N.J.
Dorothy Thomason	206 River Forest Dr. Inman, S.C.
Louise Thomason	206 River Forest Dr. Inman, S.C.
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— Calliope Cafegi	141 E. 33rd St. New York, N.Y. <i>RET</i>
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— Phylis Deluca	same <i>RET</i>
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Mike Nardino	0-21 Fairlawn Pkwy. Fairlawn, N.J.
— Jim Blanchfield	431 Ackerman Ave. Glen Rock, N.J. <i>RET</i>
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— Diane Blanchfield	451 Ackerman Ave. Glen Rock, N.J. <i>RET</i>

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✓ Amalea, Holborton -45

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 Helen Amann  
 Emma Arienta  
 Jamie Agelif (Wells)  
 — John Adsit  
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 Dorothy Boenstra  
 Helen Carafello  
 Susan Brownstein  
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 — Salvatore Comparato  
 — Surelle Joy Cutier  
 — Ruth D'Angelo  
 — Charolotte Dadulak  
 — Thomas Davanzo  
 — Ralph, Dorothy Davanzo  
 — Audrey Davis  
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 David Dykhous  
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 118 Munsey Rd. Emerson, N.J.  
 621 Palisade Ave. Cliffside Pk, N.J.  
 7415=17th Ave. Bklyn, N.Y. 11204 RET  
 512 N. Meadowcroft Ave. Pittsburgh, Pa. RET  
 95 Faucy Ave. Verona, N.J. RET  
 100 High St. Closter, N.J. RET  
 16 Orchard St. Demerset, N.J. RET  
 SAME RET  
 10 E. Saddle River Rd. Saddle River N.J. RET  
 49 Marlin Ave. Pegwannon, N.J.  
 424 Smith Pl. Ridgewood, N.J.  
 30-13 Gordon Pl. Fairlawn, N.J.  
 6 Depot Pl. S. Nyack, N.Y.  
 11 Marianna Pl. Emerson, N.J.  
 899 E. Blvd. Weekawken, N.J.  
 258 Montgomery St. Jersey City, N.J.  
 2 Hawk, St. Pearl River, N.J.  
 7 Park Ave. New York, N.Y.  
 4. B. Byrne Ct. Wayne, N.J.